

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 21M012412WO30	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/B2004/003259	International filing date (day/month/year) 06.10.2004	Priority date (day/month/year) 10.10.2003
International Patent Classification (IPC) or national classification and IPC H05B3/00, H05B3/04		
Applicant MO-EL S.R.L.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of 7 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 18.07.2005	Date of completion of this report 29.09.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Taccoen, J-F Telephone No. +31 70 340-3405



**INTERNATIONAL PRELIMINARY REPORT
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements* of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

Description, Pages

2-14 as originally filed
1, 1a received on 21.07.2005 with letter of 20.07.2005

Claims, Numbers

1-19 received on 21.07.2005 with letter of 20.07.2005

Drawings, Sheets

1/5-5/5 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages
 the claims, Nos.
 the drawings, sheets/figs
 the sequence listing (*specify*):
 any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superceded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-19
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-19
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-19
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: US-B1-6 654 549 (KONISHI MASANORI) 25 November 2003 (2003-11-25)
- D2: WO 01/41507 A (KONISHI MASANORI ; MATSUSHITA ELECTRIC IND CO LTD (JP)) 7 June 2001 (2001-06-07)
- D3: FR-A-1 381 506 (PIERRE LEVY) 14 December 1964 (1964-12-14)

2. The present application meets the criteria of Article 33(1) PCT, because the subject-matter of claims 1-19 is new in the sense of Article 33(2) PCT.

3. The present application meets the criteria of Article 33(1) PCT, because the subject-matter of claims 1-19 involves an inventive step in the sense of Article 33(3) PCT.

4. The application meets the requirements of Article 6 PCT.

5.1 In claim 1, the invention describes a sealed radiant device.

The document D1 is regarded as being the closest prior art to the subject-matter of amended claim 1 and discloses:

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Radiant device comprising:

a supporting frame;

at least a radiant element having two mutually opposed ends provided with electrical connection terminals and engaged to hooking groups of the supporting frame ; an elastic element placed between each end of the radiant element and the hooking assembly, so as to couple elastically said radiant element with the supporting frame.

The subject-matter of amended claim 1 therefore differs from this known document D1 in that:

each of the hooking assemblies delimits a housing chamber for the electrical connection terminals, and in that the elastic element encloses the end of the radiant element so as to seal said housing chamber.

5.2 Amended claim 1 appears to be novel over D1 in that, no housing of hooking assemblies is disclosed in document D1.

5.3 With respect to inventive step, the above mentioned features result in a heating and/or lightening efficiently any kind of place, inside and/or outside, even in presence of water spraying, condensate and moisture, thanks to the full insulation of its electrical connections and of the conductors required for device operation.

The objective technical problem could therefore be regarded as how to provide a better protection regarding water to a radiant heater.

Amended claim 1 discloses a different elastic structure than document D1. In document D1 the elastic structure is between the hooking and the infrared emitting filament. In amended claim 1 the elastic structure encloses the end of the radiant element. The elastic structures are so different that no hint is to be found in document D1 to modify the D1 radiant heater connection to lead to the connection described in amended claim 1.

Amended claim 1 does therefore involve an inventive step (Art. 33(3) PCT).

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6. The depending amended claims 2-19 related to claim 1 appear to fulfill the requirements of Art. 33(2), 33(3) PCT.

7. No added subject-matter is to be found, amended claims deriving directly from originally filed claims (Art. 41 PCT).

8. The industrial applicability of the subject-matter of claims 1-19 appears to be evident. Consequently the claims 1-19 fulfill the requirements of Article 33(4) PCT.